



# IMMIGRANT VISA PROCESS



A visa is a document authorizing someone to enter a foreign country. If you wish to bring your foreign-citizen spouse or children to the United States, you'll need to obtain a visa for them from U.S. Citizenship and Immigration Services (USCIS). This handout tells you a little about the process.

## *How do I get a Visa for my foreign-citizen spouse and children?*

First, you must file a *Petition for Alien Relative* with USCIS, and it must be approved. Second, you must *apply for a visa* from the National Visa Center, and they must grant the visa.

**Step One: The Petition for Alien Relative.** The Petition is called Form I-130, Petition for Alien Relative. It's online at the USCIS website, along with instructions (<http://www.uscis.gov/files/form/i-130instr.pdf>). You'll need one petition for each immediate relative (e.g. spouse, children, step-children).

- 1) Fill out the Petition, and attach accompanying documents (see the I-130 Instructions for more detail).
  - a) A document establishing your U.S. citizenship or permanent residency (e.g. passport or green card).
  - b) A document establishing your relationship to the person you want to immigrate.
    - i) For a spouse:
      - (1) A *Marriage Certificate*, and then *divorce decrees* from any prior marriage. (If your spouse is a Korean citizen, you should submit two different Family Census Registers; one showing all of her family members including those who have been removed from there (in the case of spouses, this would be the case due to the report of present marriage); the other one is a new Family Census Register which was established due to the report of present marriage; both Family Census Registers must be accompanied with an English translation.)
      - (2) Evidence of the genuineness of the relationship, e.g. lease on apartment where you live together or birth certificate of child that you had together.
    - ii) For a child, the *Birth Certificate* and, if you are the father, the marriage certificate to the mother.
    - iii) For everyone:
      - (1) Passport-style photograph (recent, color, white background...)
      - (2) Form G-325A, Biographic Information.
  - c) *\*English translations.* Any document which is in a foreign language will need a certified translated copy. There is a list of certified translators at the Camp Casey Legal Center.
- 2) File the Petition.
  - a) File it with the USCIS field office at the Embassy in Seoul. **You must set up an appointment first.** Call (822) 397-4282 or (822) 397-4548 (within Korea), or 11-822-397-4282 or 11-822-397-4548 (from the United States), or email [CIS-Seoul.Inquiries@dhs.gov](mailto:CIS-Seoul.Inquiries@dhs.gov).
  - b) You may also file it by mail, to a facility in Chicago. You can find the address on the I-130 Instructions.
  - c) A fee of **\$420**, in cash or money order, must accompany each petition. But expect other costs as well! **USCIS has the right to keep any documents they choose. This means you should get MULTIPLE originals/true copies. Average cost for everything (copies, fees, translations) is usually over \$1,200.**
  - d) If you need your petition expedited, contact the military helpline at the email or phone below.

Processing usually takes between two weeks and 6 months, depending on the individuals concerned, their background information, and the validity of the documentation received. Once USCIS conducts the necessary checks and approves your petition, they will send the approved packet to the National Visa Center (NVC). After receiving an approved petition from USCIS, NVC will send your spouse a set of Immigrant Visa forms and instructions called **Packet 3**. When you receive this packet of materials, you will know that CONS-IV received your approved I-130. Once the petition is approved, you have a year to act upon it.

**Step 2: The Visa Application.** It's the DS-230, Application for Immigrant Visa. Here's some guidance:

- 1) Read and follow the instructions they send you.
  - a. They will provide you with information/forms. There are special instructions for minors.
  - b. They'll also tell you that you must have a visa medical examination at an authorized facility.
- 2) Gather the necessary supporting documents. The documents vary by the type and nationality of the applicant.
  - a. All applicants, and the U.S. citizen sponsor, can expect to submit:
    1. *Birth certificates*
    2. *Marriage certificates*
    3. *Passports* (photocopies)
    4. *Photographs*
    5. *Police Certificates* (background checks, for applicants 16 or older).
  - b. You might also need to submit:
    1. *Court and prison records*, if you've ever been convicted of a crime.
    2. *Deportation documents*, if you've ever been deported from the U.S.
    3. *Divorce decrees*, if you've ever been divorced.
    4. *Military records*, if you served in the military of any country.
    5. *Adoption paperwork*, if you're trying to immigrate an adopted child.
    6. *Petitioner's documents*, if you're trying to immigrate a parent or sibling.
  - c. And don't be surprised if there are other documents requested of you too. You can find out more on this website: [http://travel.state.gov/visa/immigrants/info/info\\_3190.html](http://travel.state.gov/visa/immigrants/info/info_3190.html). It also has information on how you can obtain specific documents from specific countries.
- 3) Complete and submit the DS-230, Parts I and II.
- 4) Also complete and submit an Affidavit of Support for the intended immigrants, once it's requested of you.

After you've done all this, the NVC reviews your application. If they need more information from you, they should request it. If the application is complete, they'll schedule an interview for the applicant and the U.S. citizen sponsor. Expect personal questions. They're trying to make sure that the marriage and immigration is bona fide!

### ***What do I do once I receive the Visa?***

Travel to the United States! But make sure you do it within the Visa's lifetime (it's possible to obtain an extension (Optional Form 194), but don't count on it). Arriving in the U.S., the immigrating family member will be processed as a Lawful Permanent Resident (LPR) at the airport or border. The officer there will forward the case to a USCIS and a LPR card ("green card") will be mailed to the foreign-born spouse within 2 months. If your green card is "conditional" – good for only two years or less – you'll need to apply in two years for permanent status (I-751 Petition).

### **USEFUL WEBSITES:**

- a. [http://travel.state.gov/visa/visa\\_1750.html](http://travel.state.gov/visa/visa_1750.html) (U.S. Department of State, Visa Information)
- b. [http://seoul.usembassy.gov/iv\\_general\\_info.html](http://seoul.usembassy.gov/iv_general_info.html) (U.S. Embassy Seoul)
- c. [http://www.asktheconsul.org/IV\\_category.html#CRIR](http://www.asktheconsul.org/IV_category.html#CRIR) (General Checklists for Immigrant Visas)
- d. <http://www.uscis.gov/portal/site/uscis> (U.S. Citizenship and Immigration Services home page).
- e. Helpline for military members: (877) CIS-4MIL; (877-247-4645); [militaryinfo.nsc@dhs.gov](mailto:militaryinfo.nsc@dhs.gov)

	<b>Camp Casey Legal</b> Maude Hall Rm. 235, 730-3660	
<i>This information paper is one of a series of informative handouts containing general information on topics that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation. This information paper is distributed to persons eligible for legal assistance under 10 USC 1044.</i>		